IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Case No. 5:22-cv-379-M-RN

JAMES RAY, JR.,)	
Plaintiff,)	
v.)	ORDER
STATE OF NORTH CAROLINA, et al.,)	
Defendants.)	

This matter comes before the court on the Order and Memorandum and Recommendation of Magistrate Judge Robert T. Numbers, II [DE 47]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Judge Numbers recommends that this court deny Defendant W.T. Spencer's motion to dismiss [DE 35]. To date, no objections have been filed.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); accord Mathews v. Weber, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." Id. § 636(b)(1). Absent a specific and timely objection, as here, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated

therein, the court DENIES Spencer's motion to dismiss [DE 35].

SO ORDERED this _____ day of July, 2024.

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE